

## WANT TO OPEN 1,000 BOXES.

HEARST MEN ALSO TO APPEAL FOR A RECANVASS

So That Vote-Buyers in the Boxes May Be Thrown Out—Such a Proceeding Would Take Until Long After Jan. 1 and Nobody Can Predict the Result of It.

As a result of the errors in the count disclosed by the opening of four ballot boxes in Justice Amend's court on Friday the Hearst lawyers say they will try to have at least 1,000 ballot-boxes opened. They also said yesterday that they were going to fight now to have the inspectors compelled to make a recount and reject all void ballots found in the boxes.

On this line they will appeal on Monday to the Appellate Division from that part of Justice Amend's order directing that the recanvass and recount should include all ballots found in the ballot boxes. The Hearst lawyers cannot use in their appeal any of the facts disclosed by the opening of the four boxes. It will be as though this hadn't taken place. Their contention will be that the election inspectors cannot be allowed to repeat a crime by counting void ballots once more. The contention of the McCellan lawyers is that the inspectors are a quasi-judicial body, and that the courts have no jurisdiction over them in a recanvass. In a similar proceeding in Brooklyn Justice Dickey, upon consent, ordered a lot of ballots rejected when the box was opened. The decision to make a fight immediately on this point was reached at a conference of all the Hearst counsel at the office of Lord, Day & Lord yesterday afternoon.

At the recount on Friday night the lawyers of both sides had put into envelopes all ballots they deemed to be void. These envelopes were put back into the ballot boxes along with the other ballots.

In the Eleventh Election district of the First Assembly district, where the McCellan Assembly in the boxes numbered 20 and the Hearst ballots 86, 16 McCellan ballots, or 75 per cent, were picked out as void, while 13 Hearst ballots, or 15 per cent, were so picked out. In the Sixth Election district of the Second Assembly district, out of 116 McCellan ballots, 23, or 13 per cent, were picked out as void, and of 79 Hearst ballots, 7, or 9 per cent, were so picked out. In the Tenth Election district of the same Assembly district, 53 out of 230 McCellan ballots, or 23 per cent, were picked out as void, and 10 out of 99 Hearst ballots, or 10 per cent. In the Third Election district of the Fourth Assembly district, 11 out of 126 McCellan ballots, or 9 per cent, and 6 out of 138 Hearst ballots, or 4 per cent, were selected as void.

In asking out these ballots the lawyers went on Justice Glogoff's ruling. Should the Appellate Division decide that on the recanvass of the vote hereafter ballots from the boxes can be protested as "void" and taken before the judge sitting at the time for a ruling as to whether or not they should be included in the recount, there is no certainty that would not be for a long time, just what candidate this would favor. The only thing certain is that New York would have a new election, and the purpose would be to another election.

Henry Yonge, who is one of the chief Hearst lawyers, and who, incidentally, made speeches for McCellan, who is in Brooklyn in the campaign, said yesterday on the new point which is to be raised: "It was the duty of the inspectors of election to reject void ballots, and if they were objected to by the watchers or not. It was evident from the examination made yesterday that the inspectors failed to do this duty and that their failure to perform the duty has affected greatly the result of the election. If our contention upon appeal is sustained, the McCellan plurality will be wiped out—providing that the results disclosed in these first boxes are followed throughout the rest of the election."

Corporation Counsel Bell did not visit his office yesterday. His assistant, Mr. Butts, who has had charge of the case, said that a conference would be held on Monday concerning the phases of the case and he could not speak until then.

"We do not feel that the changes made last night in the case are of great importance," said Mr. Butts. "Such a thing would even itself up if carried on, you would find."

The Hearst lawyers are to present applications in the court on Monday for the opening of fifty more ballot boxes. They will seek to have in these new orders a stipulation that will not deprive them from raising the question of void ballots, which they do not get such a stipulation they said that they would defer the opening of more boxes until the Appellate Division has decided. Of the 1,000 boxes they say they can open on the present established 700 are in Manhattan and The Bronx. Should the Corporation Counsel decide that all legal forms be complied with, this is what the Hearst lawyers would be up against to open 1,000 boxes. They would have to get 1,000 separate orders and serve these on 6,000 individuals. They would then have to enter the 1,000 orders and serve notices of this on 6,000 persons. It would be the biggest legal job ever attempted here. Nobody knows how long such a task would take. It certainly wouldn't be finished until long after the election. The legal blockade possibly thirty boxes could be counted in a day.

The return to the boards of canvassers have been tabulated by the Audit Company for the Hearst people to determine the exact McCellan plurality they will have to overcome to win. They said that the figures would be given out to-day or to-morrow. A compilation of the returns made to Supt. Morgan, which are supposed to be duplicates of those to the State Department, according to the Hearst lawyers, 374 plurality for McCellan with three election districts in Greater New York missing. Lawyer Henry Yonge, who is in charge of the work of the Audit Company's men, said that the plurality on the returns to the county canvassers was somewhat below this figure.

## JURORS TAMPERED WITH.

Charges Which the Albany Bar Association May Investigate.

ALBANY, Dec. 2.—Charges that jurors have been tampered with in Albany county have been made recently, and prominent attorneys have called on the local Bar Association to meet this coming week and take proper action. The immediate cause of the present movement is believed to be a disagreement of a jury in a case tried some days ago where damages were sought from a railroad company. The jury is reported to have stood nine to three against the company. It is alleged that one of the nine jurors has made a statement to the effect that an alleged agent of the railroad approached him at the trial and offered him a substantial inducement if he would render a verdict favorable to the company. The juror is alleged to be a reputable business man.

## KILLED MAN IN A ROW.

Hunter Shoots Property Owner Who Ordered Him Away—Self Defense, He Says.

GREAT NECK, L. I., Dec. 2.—John Monemshimer, better known as "Jack the Horse Skinner," because he made a living selling hides, was shot and instantly killed at Lakeville to-day by Frank H. Brown. Brown surrendered to Justice Henry C. Morrill of Great Neck.

According to the statement made by Brown to the Justice, he and a companion, Thomas Seagrot, were going at Lakeville when they were ordered away by Monemshimer from the property which he owned. Monemshimer, Brown said, began to throw stones, and Brown was compelled to fire in self defense. The charge struck Monemshimer's stomach, and he fell dead. Justice Morrill committed Brown to the county jail at Mineola.

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## NICHOLAS'S THRONE TOTTERS.

ALL FACTIONS DISPLEASED WITH THE CZAR'S COURSE.

Peasants Turn Against Him Because His Grants Came Late and as a Result of Force—Insurrection Everywhere—Grand Duke Alexander in a Plot?

Special Cable Dispatch to THE SUN. LONDON, Dec. 2.—The point has practically been reached in Russia where an attempt to steer a middle course between the demands of the reactionaries and the proletariat must be abandoned. The time seems close at hand, indeed, when the throne of Nicholas by one side or the other will bring a final crisis in Russia's fate.

Information received to-day from St. Petersburg in regard to the latest situation is to the effect that the czar's latest concession is a flagrant example of his hopeless wrongheadedness. The devotion of the peasants' banks' administration, and with it the entire land purchase system, to the zemstvo of each province is a more generous concession to the actual farmers than all the Irish land legislation in the British statute book. It is as good as any method that practical statesmanship could have devised, but the gift has fallen dead and uncared for.

It is not a question of something that a far seeing ruler should have done years ago. Had it appeared only three weeks ago, in connection with the manifesto abandoning redemption payments by the peasantry on crown lands, which are hopelessly in arrears, it might, indeed, it would, have given an all important note of sincerity to the czar's act. Now, after the intervening three weeks of peasants' risings and land seizures, it is only another surrender wrung by merciless pressure.

And how does the czar stand in all this wreckage? The Jews were slaughtered with the assets of the czar's approval of the court and aristocracy. Now the peasantry turn to and try what wholesale destruction may bring them, and the court cannot protect the aristocracy. The old hereditary landowners, the Boyars of historic Russia, have no allegiance for an autocrat who can neither by his sovereign prestige nor by his government or army do anything to protect them in their remote mansions. The czar kills every chance offered him with the sure instinct of a man who was born to failure.

It is quite likely that the desperate coterie at Tsarskoe-Selo, as an alternative to a coup d'état, may induce the Emperor to throw Count Witte, the Opportunist, overboard, because opportunism is proving disastrous. Here again he will blunder, perhaps will throw away his last chance of holding his throne.

It is quite true, as stated in the latest despatches, that some of the insubordination of the troops was due to revolutionary tendencies. The army, as a matter of fact, is divided. A large part, especially in the outside provinces, heartily sympathizes with a popular insurrection. Another and smaller group of regiments is disaffected because they are not allowed to crush the revolutionary spirit by force of arms.

There is no confirmation of the report that the Grand Duke Alexander was detected in a plot to usurp the throne and establish a military dictatorship, but such a movement is quite among the probabilities. A danger of this nature may at any moment induce the distracted Emperor to sever suddenly the ties which bind him to the present policy and attempt to reestablish his autocracy by a wholesale massacre. On the other hand Count Witte's position among the Liberals has been considerably strengthened the last few days, and it is not impossible that he will soon reach a point where he will be able to defy his reactionary enemies.

Any attempt to forecast the outcome of the grave situation would be absurd, for never was the outlook more obscure. The insurrectionary movement has become universal, but the struggle must be considerably prolonged before a decisive issue is reached. The very unwieldiness of Russia's one hundred and forty millions makes this inevitable.

## EX-MINISTER SQUERS SAILS.

Representative in Cuba Leaves Havana for Washington.

HAVANA, Dec. 2.—Mr. Squiers, the former American Minister to Cuba, whose resignation was accepted this week, left for Washington to-day by way of New York. He expects to return here in two weeks to pack up his belongings.

There are sixteen cases of yellow fever now being treated in Havana. Only the total number of cases are now announced by the Sanitary Department, complaint having been made that the publication of details injures business.

## HEREROS OVERCOME.

Germany Suspends Her Military Operations in Southwest Africa.

Special Cable Dispatch to THE SUN. BERLIN, Dec. 2.—Herr Lindequist, German Consul-General at Capetown, reports that the resistance of the rebellious Hereros has been broken. Military operations have been suspended temporarily in German Southwest Africa, as a consequence.

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## ITALIAN OPERA IN LONDON.

Eight Weeks Season Closes After a Most Successful Run.

Special Cable Dispatch to THE SUN.

LONDON, Dec. 2.—The eight weeks season of Italian opera at Covent Garden by the San Carlo company, which closed on Thursday, has been a complete artistic, fashionable and popular success. To the surprise of many, it has equalled, according to the general verdict, the summer's grand season.

The particular features of the season have been the immense popularity of "Madame Butterfly," which was played eleven times to crowded houses when money was turned away on each occasion; Mme. Melba's frequent appearances, which also always filled the house to overflowing, and the first appearance in London of Signor Zancanelli, an Italian tenor. He came here with the reputation of being one of the greatest tenors of the day, which, according to the critics, he justified, many comparing him in equal terms with Caruso.

The season provided little in the way of novelty. "Lorelei" and "Siberia," both of which were enormously successful on the Continent, were promised, but were not put on the stage. There were two performances of the new Italian opera, "Andrea Chénier," which did not make much impression. "Il Trovatore" seems to have taken a new lease of life. It was produced seven times.

The chief honors so far as composers are concerned fell to Puccini and Verdi. There were fifty-one performances. Twenty-two of Puccini's and twenty of Verdi's works were produced.

## NOT ALARMED BY THE KAISER.

French Newspapers Refuse to Get Excited Over His Reichstag Speech.

Special Cable Dispatch to THE SUN.

LONDON, Dec. 2.—The Kaiser's disquieting speech in the Reichstag has as usual excited endless comment, but his warnings and veiled threats have provoked little retaliation. It is interpreted generally as a clever attempt to secure still heavier war taxes from an already overburdened country.

The French newspapers comment frankly but in the main with composure, the sober organs taking the line that for France to retort in the same spirit would be to play into Germany's hands. It is admitted that the pessimistic tone of the German press is a disquieting symptom, but Frenchmen are no longer surprised at such language.

M. Clemenceau observes that the Kaiser seems to have wished at one and the same time to reassure his subjects by declaring his strength and to make them uneasy in order to obtain fresh pecuniary assistance by denouncing the foreign peril. The Powers indicated by the Kaiser, says M. Clemenceau, will consider themselves warned.

The French press as a whole, while unable to overlook the effect of the Kaiser's oratory, counsels vigilance rather than rearmament as the proper attitude for France.

## SPAIN'S NEW CABINET.

Ministers Take the Oath of Office and King Alfonso Meets Them.

Special Cable Dispatch to THE SUN.

MADRID, Dec. 2.—The new Cabinet Ministers took the oath of office at 11 o'clock last night. King Alfonso presided at a meeting of the Cabinet afterward. The membership of the Cabinet is:

Premier, Señor Moret.

Minister of the Interior, Señor Romanos.

Minister of Foreign Affairs, Señor Almoneda.

Minister of War, Lieut. Gen. De Luque.

Minister of Finance, Señor Salvador.

The Portfolio of Marine has been offered to Admiral Castejon.

The first task of the Cabinet will be to pass the budget. Then the Cortes will close till March, when they will reopen for the announcement of the King's wedding.

## A Beefsteak

Dinner

is not complete

without

Evans'

Cream Ale.

## COERCING THE SULTAN FAILS?

POWERS NOW TRYING TO FIND A WAY OUT WITH DIGNITY.

Sultan Willing to Do All but Yield Sovereignty Rights—Italy and Germany Are Helping Him—American Minister Pointed Out the Uselessness of Coercion.

Special Cable Dispatch to THE SUN.

LONDON, Dec. 2.—There is reason to believe that the principal Powers engaged in the attempt to coerce the Sultan exceedingly regret the action which has brought them into a serious dilemma. He has not yielded to their demands, despite their confident expectations that he would do so as soon as a fleet assembled and now there are active secret negotiations afoot with the object of seeking some escape from the difficulty without sacrificing the dignity of either side.

The Constantinople correspondent of THE SUN telegraphs that Italy is taking the leading part with Germany in this direction. The Sultan is conciliatory to the extent of being willing to make any concessions which do not touch his sovereignty in his European dominions. On the latter point he declares firmly that he will never compromise.

The Sultan has exchanged several telegrams with the King of Italy within the last few days on this subject. The Sen's Rome correspondent telegraphs that King Victor Emmanuel's first reply was that he would willingly intervene in Turkey's favor if the Sultan would first concede the principle of the Powers' demands. This Abdul Hamid declines to do. The most he will do is to acknowledge the financial agents of the Powers as counselors to the Ottoman crown.

There is an important body of diplomats outside the representatives of the signatory Powers. All these neutral members of the Diplomatic Corps, THE SUN correspondent says, regard the present policy of the great Powers as absolutely uncalled for, unjust, and utterly unwise. It is said that at the conferences of the Diplomatic Corps Mr. Leishman, the American Minister, never failed to point out the practical uselessness of the action of the Powers, which will never accomplish real reforms and only tends toward curtailing the Sultan's sovereignty.

## SIR CLINTON DAWKINS DEAD.

Partner in the Morgan House in London Expires—His Career in Finance.

Special Cable Dispatch to THE SUN.

LONDON, Dec. 2.—Sir Clinton Edward Dawkins, K. C. B., member of the banking house of J. S. Morgan & Co., London, died to-day at the age of 46. At one time he was associated with Sir Alfred Milner on the Pail Mall Gazette. He was a Bachelor of Oxford in 1884. After an inconspicuous career in journalism he went into public office and ultimately became known as one of the ablest financial men in England.

Mr. Dawkins became private secretary to Lord Cromer, Secretary of State, in 1888. Three years later he became private secretary to the Chancellor of the Exchequer, Mr. Goschen, and there he got his special training in finance. He was the representative of the Peruvian Corporation in South America in 1891 and became under Secretary of State for Finance in Egypt in 1895. Four years later he was appointed Financial member of the Council of the Governor-General in India, a post which he resigned to accept membership in the firm of J. S. Morgan & Co. at a very high salary. He was knighted by King Edward on his Majesty's birthday in 1901.

Sir Clinton's mother was a daughter of the late Lord Rendelham, and was a famous English beauty. Sir Clinton married Miss Louise Johnston, an American, the cousin of Mr. E. A. Johnson, once the American Ambassador in Paris.

## DISTURBANCES IN COREA.

Constabulary Station in Seoul Stoned and Several Persons Shot.

From THE SUN Correspondent at Seoul. SEOUL, Corea, Dec. 2.—Outrages by reactionaries continue. A crowd of hoodlums to-day stoned the constabulary station and wounded several persons. Eighty suspects have been arrested.

The Chinese Minister to Corea has withdrawn. The Minister of that Government at Tokio will hereafter look out for its interests in Corea.

Powers May Occupy Lemnos.

Special Cable Dispatch to THE SUN. CONSTANTINOPLE, Dec. 2.—The Porte persists in refusing to recognize the International Macedonian Financial Commission, but offered to-day to accept four financial agents of the Powers as "Civil Agents." Unless the Sultan yields, the international fleet will occupy the island of Lemnos to-morrow.

## A DOZEN RATE BILLS READY.

Campbell of Kansas Has One Which He Will Introduce on the Opening Day.

WASHINGTON, Dec. 2.—Various bills for rate regulation promise to keep the commissioners at the Government Printing Office working overtime as soon as Congress convenes Monday. No less than a dozen members of the House have prepared measures on the subject which they will introduce. One of these is Representative Campbell (Rep., Kan.), who has prepared a bill, which he will present on the opening day.

It provides that all ventilator cars, refrigerator cars or oil tank cars and cars termed as "private cars" used in transportation of articles of interstate commerce shall be declared to be common carriers and subject to all laws and regulations as such, and that it shall be unlawful for any railroad company as a common carrier to contract with any person, firm or corporation for the transportation of commodities when such commodities are "offered for shipment or transportation in ventilator cars, refrigerator cars, tank cars or private cars of any character whatsoever, owned or controlled directly or indirectly by such producers or shippers."

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## DISCRIMINATION SHOWN.

The B. & O. Ordered to Connect Its Road With the Red Rock Fuel Company.

WASHINGTON, Dec. 2.—The Interstate Commerce Commission to-day held that its jurisdiction extended to discriminations in sidetrack connections, and ordered the Baltimore and Ohio Railroad to connect its line with a switch built by the Red Rock Fuel Company to reach the mines of the latter in the Fairmount (W. Va.) coal fields. The testimony in the case showed that the Baltimore and Ohio controlled or owned many of the large mines in the district, handling more than half its output. The Red Rock company built a spur to connect its mines with the railroad, but the road refused to make the connection, thus denying the Red Rock company the privileges of interstate shipments given by the road to its own and other mines in the vicinity.

The commission holds that this denial of facilities might result in practical control by the railroad in its own interest of all the undeveloped coal in that field, and enable it to derive greater profits from its own mines. On the ground that this is a case of discrimination in facilities, or instruments of shipment or carriage resulting in undue and unreasonable prejudice, not only against the complainant but in favor of the road itself, the commission in effect orders the Baltimore and Ohio to make the connection.

## Movements of Naval Vessels.

WASHINGTON, Dec. 2.—The cruiser Duquesne has arrived at Monte Cristi, the collier Hercules at Norfolk, the collier Marcellus at Sanchez and the torpedo boat Bainbridge at Canton.

The cruiser Cleveland has sailed from Sanchez for Guantanamo.

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